

ENCLOSURE D

ALTERNATE ASSESSMENT SPECIAL CONDITIONS

1. Basis for Requiring Special Conditions

The requirements that States ensure that children with disabilities participate in State and district-wide assessment systems; develop and administer alternate assessments, if necessary; and report publicly on the participation and performance of children with disabilities in State and district-wide assessments are crucial to ensuring that children with disabilities are provided access to high-quality instruction in the general curriculum, and that States and districts are held accountable for the progress of these children. 20 U.S.C. 1412(a)(16)-(17); 34 CFR §§300.137-300.139. The requirements regarding performance goals and indicators and the participation of children with disabilities in, and reporting on participation and performance of children with disabilities in regular assessments have been in effect since July 1, 1998; the requirements regarding reporting on alternate assessments have been in effect since July 1, 2000. According to the information reported to the Department in the Puerto Rico Department of Education's (PRDE) Biennial Performance Report for the 2000-2001 school year, PRDE had not developed and administered alternate assessments, if necessary and did not report publicly, and to the Secretary, on the participation and performance of children with disabilities on alternate assessments as required by Part B of the Individuals with Disabilities Education Act (IDEA).

Therefore, Puerto Rico has not complied with all the terms and conditions of the Federal Fiscal Year 2002 awards under Part B of IDEA. Under the authority of the Education Department General Administrative Regulations, 34 CFR §80.12, the Department is imposing these Special Conditions on Puerto Rico's Federal Fiscal Year 2003 awards under Part B of the IDEA.

2. Nature of the Special Conditions

OSEP is in receipt of the report to the Secretary regarding participation and performance of children with disabilities on alternate assessments as required at 20 U.S.C. 1412(a)(16)-(17); 34 CFR §§300.137-300.139. By May 30, 2004, PRDE must demonstrate that it is reporting publicly on the participation and performance of children with disabilities on alternate assessments. (See 20 U.S.C. 1412(a)(16)-(17); 34 CFR §§300.137-300.139)

3. Evidence Necessary for Conditions To Be Removed

The Department will remove the special conditions if, at any time prior to the expiration of the grant year, PRDE provides documentation, satisfactory to the Department, that it has fully met the requirements to report publicly on the participation and performance of children with disabilities on alternate assessments.

4. Method of Requesting Reconsideration

At any time, PRDE may request reconsideration of the above special conditions by contacting Assistant Secretary Robert H. Pasternack and stating reasons why PRDE believes particular conditions are no longer needed. Additionally, the Department may impose additional special

conditions or modify these special conditions as appropriate. The Department will remove the special conditions at such time as PRDE meets, to the Department's satisfaction, the conditions mentioned above.

5. Submission of Reports

The documentation regarding reporting performance and participation to the public should be submitted to:

Dr. Deborah J. Morrow
US Department of Education
Office of Special Education Programs
330 C. Street S.W., Room 3511
Washington, DC 20202